

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

DAVID JONES, JR.

VS

PLAINTIFF

CAUSE NO: 1:21cv76-GHD-DAS

**LOVE'S TRAVEL STOPS & COUNTRY
STORES, INC. ; and Fictitious Defendants "A,"
"B," and "C," whether singular or
plural, those other persons,
corporations, firms or other entities
whose wrongful conduct caused or
contributed to cause the injuries and
damages to Plaintiff, all of whose true
and correct names are unknown to
Plaintiff at this time, but will be added
by amendment when ascertained**

DEFENDANTS

NOTICE OF REMOVAL

COMES NOW Defendant, Love's Travel Stops & Country Stores, Inc., and removes the above-captioned suit filed by Plaintiff, David Jones, Jr. which is currently pending in the Circuit Court of Clay County, Mississippi, bearing Civil Action No. 21-CV-0064H, and files this Notice of Removal of the state court action to the United States District Court for the Northern District of Mississippi, Aberdeen Division. In support thereof, the Defendant would show the court the following:

I.

In support of this Notice of Removal, Defendants assert jurisdiction under 28 U.S.C. §1332(1), diversity jurisdiction, as a basis for the United States District Court's original jurisdiction over this action and removal is made pursuant to the provisions of 28 U.S.C. §§1441, et seq.

II.

This civil action was filed in the Circuit Court of Clay County, Mississippi, bearing Civil Action No. 21-CV-0064H. Docket attached hereto as Exhibit "A;", and a copy of the pleadings, notices and documents filed therein as Exhibit "B".

III.

This Notice of Removal is being filed within thirty (30) days of receipt by the Defendant of a copy of the Plaintiff's Complaint which sets forth claims for relief under which the state court proceeding is based pursuant to 28 U.S.C. §1446.

IV.

All Defendants join in the removal.

V.

According to 28 U.S.C. §1446(a), the United States District Court for the Northern District of Mississippi, Oxford Division, is a federal district court for the district and division embracing the place where the subject state court suit is pending.

VI.

This Court has subject matter jurisdiction over the present action pursuant to 28 U.S.C. §§1332. The Plaintiff has asserted that he is a resident of Mississippi. The Defendant is incorporated in Oklahoma, with its principal place of business located in Oklahoma City, Oklahoma. The amount in controversy, based on the demands of the Plaintiff, is more than \$75,000.00, excluding interest and cost.

VII.

Pursuant to Rule 11 of the Federal Rules of Civil Procedure, the undersigned counsel certifies he has read the foregoing Notice of Removal, that, to the best of his knowledge,

information and belief formed after reasonable inquiry, is well grounded in fact and is warranted by existing law for a good faith argument for the extension, modification or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass, or cause unnecessary delay or needless increase in the cost of litigation.

VIII.

Pursuant to U.S.C. §1446(d), the Defendant will give written notice of the filing of this Notice of Removal to the Plaintiff, and a true and correct copy of this notice will be duly filed in the Circuit Court of Panola County, Mississippi.

WHEREFORE, Defendant removes the above-entitled case from the state court to this court.

RESPECTFULLY SUBMITTED, this the 30th day of April, 2021.

**LOVE'S TRAVEL STOPS & COUNTRY
STORES, INC., DEFENDANT**

By: /s/Michael J. Wolf
MICHAEL J. WOLF

OF COUNSEL:

MICHAEL J. WOLF – MSB# 99406
RESNICK & LOUIS, P.C.
101 Highpointe Court, Suite C
Brandon, MS 39042
Telephone: (601) 213-4636
Direct Tel/Fax: (601) 371-3939
Email: mwolf@rlattorneys.com

CERTIFICATE OF SERVICE

This is to certify that I have this day mailed a true and correct copy of the above and foregoing document via electronic mail to the following counsel of record:

Miranda L. Maxwell, Esq.
Slocumb Law Firm, LLC
210 East Capitol St., Suite 401
Jackson, MS 39201
mmaxwell@slocumblaw.com

This the 30th day of April, 2021.

By: /s/Michael J. Wolf
MICHAEL J. WOLF